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OFFICE OF THE PRESIDENT

PRESIDING OFFICER'S  
RULING NO. C2001-3/31

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Complaint on First-Class Mail Service Standards

Docket No. C2001-3

PRESIDING OFFICER'S RULING SEEKING STATUS REPORT  
AND COMMENTS ON PROCEDURAL SCHEDULE

(Issued September 12, 2002)

In recent rulings, I granted successive Postal Service requests for extensions of the original deadline for filing a motion for certification (or reconsideration) of a ruling directing compliance with Douglas F. Carlson's discovery request for certain point-to-point service performance data.<sup>1</sup> Nearly three weeks have elapsed since the final deadline without the anticipated motion having been filed, without an explanation for the missed deadline, or without any indication that compliance — or realistic progress toward substantial compliance — can be expected.

Production of the data in issue emerged as a concern early in this proceeding, and has been the subject of protracted motion practice. The Service has had numerous opportunities either to comply with Presiding Officer's Ruling No. C2001-3/28 (which clarified Presiding Officer's Ruling No. C2001-23), or to file an appropriate motion for relief. Regrettably, failure to observe the latest deadline appears to represent a considered decision to decline to participate in this proceeding in a manner that would allow its fair and timely resolution.

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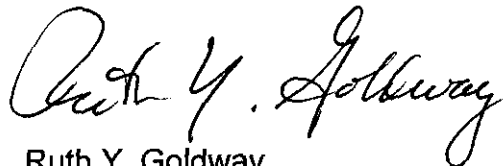
<sup>1</sup> Presiding Officer's Ruling No. C2001-3/29, issued August 6, 2002, extended the initial deadline to August 16, 2002; Presiding Officer's Ruling No. C2001-3/30, issued August 21, 2002, granted an additional extension to August 23, 2002. The related filings are Motion of the United States Postal Service Requesting Extension of Deadline for Filing of Motion for Certification, filed August 5, 2002, and Second Motion of the United States Postal Service Requesting Extension of Deadline for Filing of Motion for Certification, filed August 16, 2002. The substantive discovery rulings are Presiding Officer's Rulings No. C2001-3/23, issued April 9, 2002, and No. C2001-3/28, issued July 29, 2002. The underlying interrogatory is DFC/USPS-9.

Previous rulings have expressed my view, based on information provided to date, that production of the requested data, without further unnecessary delay, is the appropriate course for the Service to adopt. However, I also have allowed a generous period for the Service to pursue its position by seeking reconsideration or certification. With this case having been filed some time ago and new cases apparently in the offing, fairness to the complainant and other participants and management of the Commission's overall caseload are factors that cannot be ignored.<sup>2</sup>

Given these concerns, the Service is directed to provide, no later than September 20, 2002, a status report relative to the outstanding discovery matter addressed in Presiding Officer's Rulings No. C2001-3/23 and No. C2001-3/28. Complainant Douglas F. Carlson is also directed to comment, no later than September 27, 2002, on the remaining procedural schedule.

#### RULING

1. The Postal Service is directed to provide a status report on the matter referred to in the body of this ruling no later than September 20, 2002.
2. Complainant Carlson is directed to comment on the remaining procedural schedule no later than September 27, 2002.



Ruth Y. Goldway  
Presiding Officer

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<sup>2</sup> Presiding Officer's Ruling No. C2001-3/19 (issued February 6, 2002) adopted complainant's proposal, among other things, that the deadline for filing his direct case be tied to the date 4½ weeks after the Service filed responses to all outstanding discovery requests.